



**US Army Corps
of Engineers**
Baltimore District

Planning Division

PUBLIC NOTICE

APR 07 2004

**Environmental Assessment
Kitzmiller Environmental Restoration, Garrett County, Maryland**

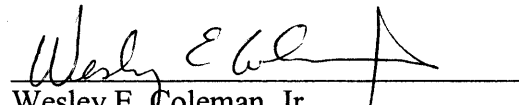
The U.S. Army Corps of Engineers, Baltimore District, (Corps) has prepared an Environmental Assessment (EA) to address the proposed modification of approximately 3,025 linear feet of Old Mill Race, in the town of Kitzmiller, Maryland, to increase stream flows. Improved stream flows would enhance the site's aquatic habitat. Work would entail reconfiguring an existing inlet culvert to allow water to flow into Old Mill Race from the North Branch of the Potomac River. The levee sluice gate would be used to control the flow of water during normal flow and flooding events. An average of three to fourteen inches of water depth would be maintained. The stream would be graded for approximately 200 feet from the inlet culvert downstream to produce positive drainage. An old culvert would be removed downstream in Old Mill Race as it would obstruct the flow of water and potentially cause localized backwater. Larger trees, important to the community, would be avoided during construction. The project also includes enhancing a currently degraded wetland. Clean, local fill would be used to regrade the area alongside and at the outlet end of Old Mill Race. This area would be less than one acre and would be planted with native wetland vegetation.

Proposed improvements are authorized under the continuing authority provided by Section 1135 (Project Modifications for Improvements of the Environment) of the Water Resources and Development Act of 1986, as amended. The EA and unsigned Finding of No Significant Impact (FONSI) are transmitted for your review and comment in compliance with the Council on Environmental Quality's regulations for implementing the procedural provisions of the National Environmental Policy Act, as amended.

The comment period will close 30 days after the date of this notice. Written comments received on or before this date will become part of the written record and will be considered in the determination. The FONSI will be signed upon review of comments received and resolution of significant objections, if any. No public hearing is scheduled. If you believe a public hearing is needed, please explain in writing why a hearing is necessary and mail it to the address below during the 30-day review period.

The Corps is also required to obtain a water quality certification for this action in accordance with Section 401 of the Clean Water Act. Any written comments concerning the work described above which relate to water quality certification must be received by the Wetlands and Waterways Program, Maryland Department of the Environment, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within 30 days of the date of this notice to receive consideration. The 401 certifying agency has a statutory limit of one year in which to make its decision.

Questions, comments, or requests for additional copies of the report should be directed to the U. S. Army Corps of Engineers, Baltimore District, Attn: CENAB-PL (Grundy), P. O. Box 1715; Baltimore, Maryland 21203-1715. Ms. Grundy may be reached by telephone at (410) 962-6136 or 1-800-295-1610, via fax at (410) 962-4698, or via electronic mail at Jo.Ann.Grundy@usace.army.mil. A copy of the EA may also be viewed on the web at http://www.nab.usace.army.mil/publications/non-reg_pub.htm.


Wesley E. Coleman, Jr.
Chief, Civil Project Development Branch



Culvert Inlet to Mill Race

KITZMILLER LEVEE SECTION 1135 GARRETT COUNTY, MARYLAND

ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT

**Submitted by:
U.S. Army Corps of Engineers**

**In Cooperation with:
Town of Kitzmiller**

April 2004



**U.S. Army Corps of Engineers
Baltimore District**

North Branch of the Potomac River



*Mill Race with Outlet in
Left Foreground*

**ENVIRONMENTAL ASSESSMENT
AND
FINDING OF NO SIGNIFICANT IMPACT

KITZMILLER LEVEE SECTION 1135
ENVIRONMENTAL MODIFICATIONS PROJECT
GARRETT COUNTY, MARYLAND**

**US ARMY CORPS OF ENGINEERS
BALTIMORE DISTRICT**

April 2004

FINDING OF NO SIGNIFICANT IMPACT

In accordance with the National Environmental Policy Act of 1969, as amended, the U.S. Army Corps of Engineers, Baltimore District, has assessed the environmental effects of the following action:

Kitzmiller Levee Modification for the Improvement of the Environment Garrett County, Maryland

Approximately 3,025 linear feet of the Old Mill Race streambed in the town of Kitzmiller, Maryland will be enhanced by increasing stream flows. The preferred alternative, referred to as Alternative 3: Culvert Headwall at End of 10-foot Extension, will entail reconfiguring an existing inlet culvert to allow water to flow into Old Mill Race from the North Branch of the Potomac River. The levee sluice gate will be used to control the flow of water during normal flow and flooding events. Approximately 3-14" of water depth will be maintained. These conditions will allow for the establishment of aquatic organisms. The stream will be graded for approximately 200 feet from the inlet culvert downstream to produce positive drainage. An old culvert will be removed downstream in Old Mill Race as it would obstruct the flow of water and potentially cause localized backwater. Larger trees, important to the community, will be avoided during construction. The project also includes enhancing a currently degraded wetland. Clean, local fill would be used to regrade the area alongside and at the outlet end of Old Mill Race. This area will be less than 1 acre and will be planted with appropriate wetland vegetation. The modifications made as a result of this project will be consistent with the original project purpose of flood protection (against a maximum flood of 52,000 cubic feet per second) for the towns of Kitzmiller, Maryland and Blaine, West Virginia.

The project will be implemented under Section 1135 (Project Modifications for Improvements of the Environment) of the Water Resources Development Act of 1986, as amended. The accompanying environmental assessment supports the conclusion that the project does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not necessary to construct the environmental improvements in Kitzmiller, Maryland.

Robert J. Davis
Colonel, Corps of Engineers
District Engineer

Date

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SECTION 1.0 PURPOSE, NEED, AND SCOPE

1.1 Purpose and Need

Old Mill Race is small, narrow, intermittent stream located on the north edge of the town of Kitzmiller in Garrett County, Maryland (Figure 1.0). Old Mill Race is approximately 3,025 feet long. It is located adjacent to the left bank (looking downstream) of the North Branch of the Potomac River. Old Mill Race was once a beautiful, wide ephemeral stream that had sufficient water flowing year round to support a permanent, healthy aquatic ecosystem. In 1964, the Corps constructed the Kitzmiller Levee parallel to the North Branch of the Potomac River and Main Street. The source of flow to Old Mill Race is North Branch Potomac River. Flow enters Old Mill Race through a 24-inch culvert under Main Street. In its existing condition, the stream does not exhibit sufficient base flow to support any appreciable aquatic life or transport sediment through the channel. Consequently, the stream is a long and narrow muddy channel that only receives water during large storm events.

The stream channel meanders through a natural arboretum. The stream and arboretum are supported by the Maryland State Board of Education as an outdoor educational learning ecosystem.

Improvements proposed by this project would result in restoration of approximately 3,025 linear feet of aquatic habitat. The modifications made as a result of this project would be consistent with the original project purpose of flood protection for the town of Kitzmiller. The Corps and the town have identified three main project components to the stream restoration. First, the Main Street culvert outlet at the headwaters of Old Mill Race would be extended and replaced. Second, measures (i.e. channel grading) would be taken to increase the volume of water that reaches Old Mill Race and improve in-stream habitat. Lastly, a wetland area may be enhanced through grading at the downstream end of Old Mill Race, before the levee, to increase stream flow retention within the channel and provide additional hydrology to wetland plant communities. The stream restoration and wetland plant communities are expected to provide habitat for a variety of bird, amphibian, reptile and fish species.

1.2 Authority

Section 1135 (b) of the Water Resources Development Act of 1986, as amended, provides authority for the Corps of Engineers to investigate, study, modify, and construct projects for the restoration of fish and wildlife habitats where degradation is attributable to water resource projects previously constructed by the Corps of Engineers. Project modifications are limited to a Federal cost of \$5 million per project.

Prior to providing design and construction assistance for the project, the Corps requires a Project Cooperation Agreement (PCA), which is signed by the Corps and the non-Federal sponsor(s). Section 1135 established the Federal contribution at 75 percent of the total project costs, and contribution by the non-Federal sponsor(s) at 25 percent. The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs but

not to exceed 25 percent of the total project costs. Operation and maintenance costs shall be 100 percent non-Federal.

Potential Corps involvement can include the preparation, review, and completion of project design documents, including engineering plans and specifications; coordination and documentation required for environmental and cultural compliance; review of the project design for certification of its practicality for bidding, construction, and operation; advertisement and award of the construction contract; and management of project construction.

1.3 Scope

This environmental assessment (EA) has been prepared in accordance with National Environmental Policy Act of 1969, as amended (NEPA), the Council on Environmental Quality's (CEQ) regulations published at 40 CFR Part 1500, Engineer Regulation 200-2-2 Procedures for Implementing NEPA, and Section 404 of the Clean Water Act. This EA includes descriptions of: the purpose and need of the proposed action; details of the proposed action and design; site alternatives; existing site conditions; and an assessment of the potential effects to the human and natural environment.

This EA documents and analyzes the potential environmental and socioeconomic effects associated with the action described in Section 2.0, "Proposed Action." The study area for this EA includes the proposed site and the region of influence (ROI) within the communities surrounding the proposed site. The ROI, which consists of the areas to be affected by the modification to Old Mill Race, consists of the town of Kitzmiller, Maryland.

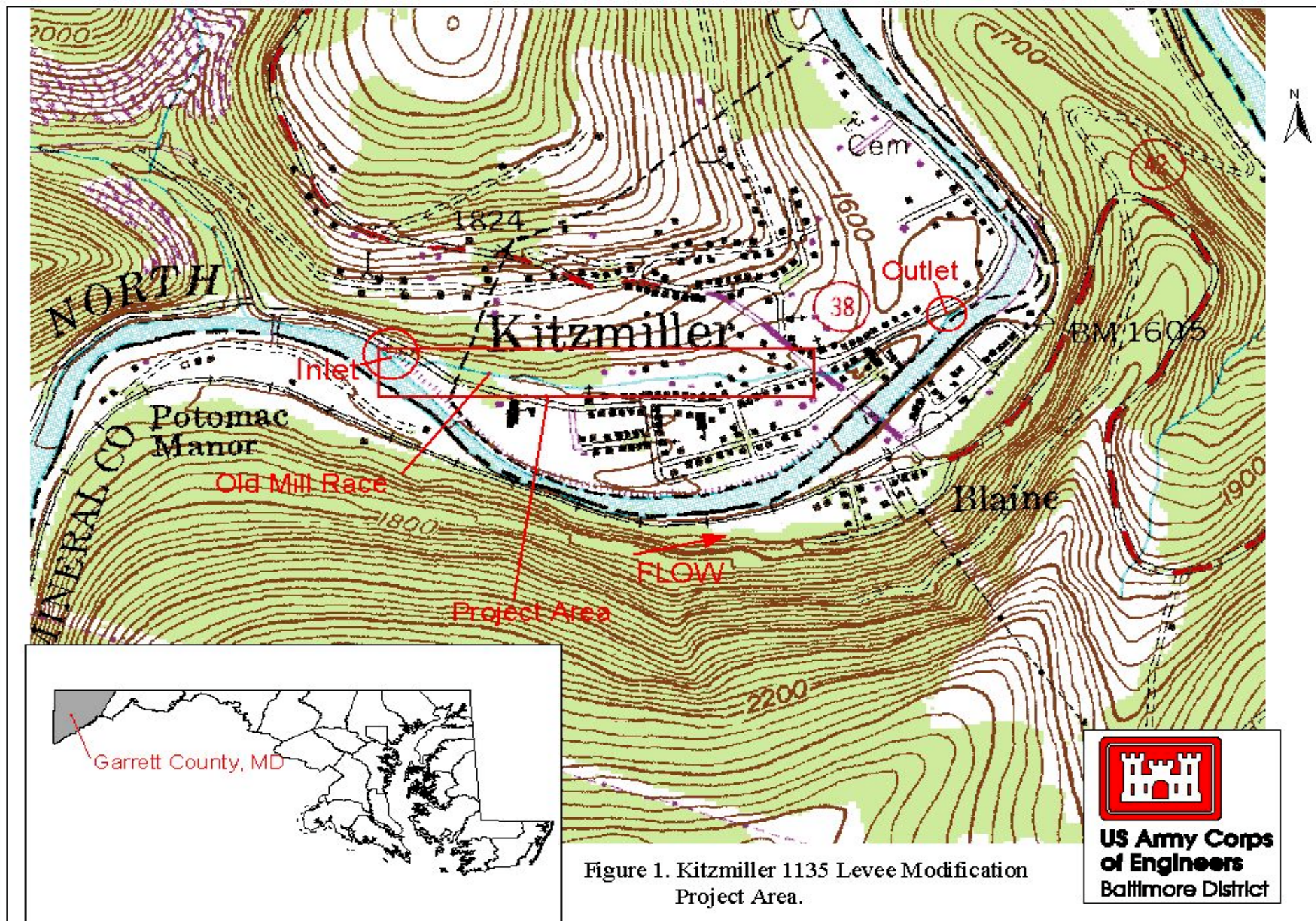
1.4 Public Involvement and Agency Coordination

The community has been made aware of the project through public meetings, newspaper articles, and public notices. The Baltimore District published a public notice, describing the proposed project, in the Deep Creek Times.

The public notice was also mailed directly to Federal, State, and local agencies. Coordination letters from a number of state and Federal regulatory agencies are included in Appendix A. A Notice of Availability announcing the availability of the EA and Finding of No Significant Impact (FONSI) will be published in the Deep Creek Times.

SECTION 2.0 EXISTING CONDITIONS

This chapter describes the existing conditions in Old Mill Race in the proposed project area (Figure 1.0).



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2.1 Physical Setting

2.1.1 Land Use

Land use within the project area is largely rural and mountainous. However, the town of Kitzmiller itself, while low in population, contains a high density building pattern within the narrow river valley floor. Old Mill Race is immediately surrounded by urban infrastructure on both sides for approximately half its length. The race headwaters are contained within the town arboretum and Town Park, and are across the street from the local school. Throughout the project area, the town owns the race channel itself. However, there are several private properties immediately adjacent to the stream bank.

2.1.2 Topography

The study area containing Old Mill Race is located on a 100-year floodplain that is bound by two mountainsides. The mountain located alongside the Kitzmiller floodplain has a lower gradient than the very steep and rugged slope opposite the North Branch Potomac River in Mineral County, West Virginia. Old Mill Race cuts through the floodplain before reconnecting to the main North Branch Potomac River. The elevation of the study area is approximately 1600 feet above sea level.

2.1.3 Physiography, Geology, and Soils

The study area is in the Allegheny Plateau physiographic province of Western Maryland. The localized soil environment along the Kitzmiller floodplain contains alluvial deposits characterized by very stony soils, often with large boulders. Local project area soils were deposited and reworked from when the North Branch Potomac River historically flooded this area before the construction of the levee. The underlying geology is of Permian and Pennsylvanian Age, or roughly 245-320 million years old. The geologic formation of the larger North Branch Potomac River basin is composed of intensely folded and faulted limestone, shale, and sandstone, with coal and mineral deposits.

2.1.4 Hydrology

Under normal conditions (non-storm events), the portion of Old Mill Race that flows around the north side of the town of Kitzmiller between the mountain and the levee wall is completely dry. Prior to construction of the Kitzmiller levee that runs parallel to the river and Main Street, Old Mill Race was a small but wide perennial stream which had consistent baseflow able to support aquatic life. Today, the inflow to Old Mill Race is facilitated by one inlet, a levee culvert connected to the Main Street culvert. The stream does not have sufficient base flow to support any appreciable aquatic life or transport sediment through the channel. Consequently, Old Mill Race is a long and narrow streambed that only receives water during large storm events. The stream channel meanders through a natural arboretum. Old Mill Race is in the Appalachian Highlands and is part of the winding gorge of the Upper North Branch Potomac River, U.S. Geologic Survey hydrologic unit code 02070002.

2.1.5 Water Quality

For the most part, the stream lacks perennial flow. There are small ponding areas at the very upper and lower ends with minimal groundwater inputs along the lower half of the channel. These conditions have not allowed for adequate water quality sampling. However, minor numbers of small fish present in these residual pools, indicates partially supported aquatic conditions. The primary environmental failure of the stream is that it does not receive sufficient base flow to support aquatic life or transport sediment through the channel.

2.1.6 Climate

Kitzmillers, in Garrett County, has a humid, temperate, continental climate. The climate is fairly uniform throughout the county, although there are local differences in weather at different elevations. The climate of the study area is generally temperate, with the average annual temperature ranging between 47 and 53 degrees Fahrenheit. The winters are not severe in temperature, but usually produce heavy snowfall, which averages approximately 70 inches. Average frost penetration is over 18 inches, but may exceed 3 feet during extremely cold winters.

Maximum and minimum annual amounts of precipitation are approximately 20 to 89 inches, respectively. The months of May through August experience the greatest monthly precipitation, with the least precipitation occurring in the late fall and winter. Mean annual precipitation for the region varies from 52 inches in the extreme headwaters of the Upper North Branch Potomac River to 36 inches in the reach from Keyser to Cumberland. Thunderstorms occur on an average of 40 days per year, mostly from May through August.

Rainfall deficiencies, sometimes producing severe drought conditions, have occurred several times throughout the period of record, most notably from 1930 to 1932, and during the mid-1960's. Above-average temperatures at those times created extreme water demands.

2.1.7 Air Quality

Air quality in the project area is examined on a broader, regional level. The ambient air quality is measured by each state as part of its State Implementation Plan under the Clean Air Act. The measurements are rated against the National Ambient Air Quality Standards (NAAQS) that are set by the U.S. Environmental Protection Agency. These areas of Maryland and West Virginia are in attainment for all measured air pollutants.

Garrett County, Maryland is in attainment for all pollutants monitored by Maryland's Air and Radiation Administration. Garrett County does have special standards for ozone emissions by industries to insure that it remains in compliance with the NAAQS for ozone. Garrett County is surrounded by several ozone producers and has wind patterns and currents subjecting it to variable ozone levels.

2.1.8 Prime and Unique Farmland

None of the prime or unique farmlands identified by the Natural Resources Conservation Service (NRCS) are present in the study area.

2.1.9 Wild and Scenic Rivers

Old Mill Race is not classified as a Wild and Scenic River or as an American Heritage River.

2.1.10 Floodplain Management

Executive Order 11988 requires the Federal government to take into consideration the effects that its actions would have on floodplains. Old Mill Race is a long and narrow mud channel that only receives water during large storm events. The main properties of the local soils are gently sloping to steep, moderately deep, well drained and moderately well drained. The modifications made as a result of this project would be consistent with the original project purpose of flood protection for the town of Kitzmiller.

2.2 Biological Setting

2.2.1 Aquatic Conditions

As stated in Section 2.1.4, Old Mill Race does not receive sufficient flow to support any appreciable aquatic life. During higher water events, small pools of water may exist that may support small fish. There are no mining activities located within the project area. The project area contains no Essential Fish Habitat.

2.2.2 Wetlands

National Wetland Inventory maps, soil surveys, and aerial photographs do not identify any major tracts of wetlands within the project area. There are no known wetland adjacent to Old Mill Race. This project seeks to enhance this area without negative effects. Prior to the land development and Corps construction of the levee system, small floodplain wetlands may have occurred.

2.2.3 Flora

The terrestrial resources in the watershed have been impacted by development along the North Branch Potomac River. The town of Kitzmiller, which includes the project area, is a localized area of dense development but contains a small arboretum. The Maryland State Board of Education uses the arboretum and Old Mill Race as an outdoor educational ecosystem. However, outside the project area and the town of Kitzmiller are vast resources of forest acreage in the Garrett County state forests. Since the local project area is highly developed, terrestrial resources are limited. However, there are key old trees that the town has expressed interest in retaining (largely maple trees) in addition to all of the official arboretum vegetation.

2.2.4 Rare, Threatened, and Endangered Species

Except for occasional transient individuals, there are no federally proposed or listed endangered or threatened species within the project impact area. Maryland Wildlife and Heritage Division has found no species of state concern in the project impact area. See section 4.0 for agency coordination letters.

2.2.5 Fauna

Currently, the terrestrial animal community includes common species found in and around urban forest edges. Opossum, raccoon, small rodents, bats and fox are common occurrences. Typical forest species such as black bear, white-tailed deer, bobcat and other larger animals are a rare occurrence near the town. The surrounding forest contains many forest interior dwelling bird species (such as the scarlet tanager, indigo bunting, grosbeak species) and of course the more common western Maryland resident species.

2.3 Community Setting

2.3.1 Historical Resources

The town of Kitzmiller supported several industries in its history. The first was the construction of a gristmill in 1802. Fabric factories emerged with the existence of the mill. The arrival of railroads in the later part of the nineteenth century created a new and growing economy based on lumber production and transport. Coal mines surrounded Kitzmiller and were a major industry in western Maryland during the late nineteenth century and supported a strong economy for the town and its 1,500 residents. The decline of coal production and the Great Depression have caused abandonment and disinvestment in the town since.

The project area exists in a very small urban setting. This small pocket of urbanization rests among vast forest resources in Garrett County. Agriculture exists sporadically on the outskirts of the town as well as abandoned coal mines. The physiography and topography of the area largely limit the present land use within the project area and the town of Kitzmiller. The steep slopes and sharp ridges of the Ridge and Valley Province limit urban, industrial, and agricultural development to the flat, relatively broad stream valleys.

2.3.2 Hazardous, Toxic and Radioactive Substances

There are no known Hazardous, Toxic or Radioactive Waste substances (HTRW) in Old Mill Race project area. There are also no known Comprehensive Environmental Response and Liability Act (CERCLA) regulated (National Priority List) sites or Resource, Conservation and Recovery Act (RCRA) sites identified in the project study locations.

2.3.3 Population

Population data was collected from the 1990 and 2000 U.S Census for Kitzmiller, Garrett County, and Maryland for comparison. The data represents a 100 percent count, rather than sample data. Population growth in western Maryland is generally less than experienced in the rest of the state.

Table 1: Population in Kitzmiller and Surrounding Area (Census 1990 and 2000)

<i>Location/Area</i>	<i>1990</i>	<i>2000</i>	<i>% Growth</i>
Maryland	4,781,468	5,296,486	10.8
Garrett Co.	28,138	29,846	6.1
Kitzmiller	275	302	9.8

2.3.4 Employment and Income

Kitzmiller shares many similarities (economically and socially) with other towns in Garrett County. Availability of employment information is limited to Garrett County. Garrett County had an unemployment rate greater than Maryland. The state of Maryland has had unemployment rates below the national average, with a rate of 4.1 percent in 2001. The poverty level compared to other areas, as established by the U.S Census, is fairly severe in Kitzmiller as echoed by the high unemployment rates for a similar time period.

Table 2: Unemployment Rates: Annual Averages (Bureau of Labor Statistics, 2001)

<i>Location/Area</i>	<i>% Unemployment</i>
United States	5.8
Maryland	4.1
Garrett County	7.7

Table 3: Percent Families Below Poverty Level in 1999 (U.S Census 2000)

<i>Location/Area</i>	<i>Families</i>
Maryland	6.1
Garrett County	9.8
Kitzmiller	20.5

The change in per capita income from 1989 to 1999 (in real dollars) is presented in Table 4. The per capita income increased 44.5 percent, 60.2 percent, and 36.9 percent between 1989 and 1999 for the Maryland, Garrett County, and Kitzmiller, respectively. The small town of Kitzmiller did not keep pace with the growth in personal income when compared to larger, more economically diverse areas.

**Table 4: Per Capita Income Change between 1989 and 1990
(U.S Census 1990, 2000, sample count)**

<i>Location/Area</i>	<i>1989</i>	<i>1999</i>	<i>% Change</i>
Maryland	17,730	25,614	44.5
Garrett	10,124	16,219	60.2
Kitzmilller	9,031	12,365	36.9

2.3.5 Transportation

Kitzmilller is a small isolated town in mountainous region. The study area is serviced by State Route 38. The nearest secondary road is Main Street, where the existing inlet culvert is located. The nearest major route is Interstate 68, a major interstate highway.

2.3.6 Education

Kitzmilller Elementary School is located at 228 Main Street and has 108 students enrolled in grades pre-kindergarten through five. The old school, built in 1923, is surrounded by a small arboretum located at the end of Old Mill Race. The school faces Old Mill Race and anticipates using the restored stream for environmental education.

2.3.7 Environmental Justice

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” published in Federal Register 59 CFR part 7629, dated February 11, 1994, requires Federal agencies to assess the effects of their actions on minority and low-income populations as part of their compliance with NEPA. Each Federal agency should determine, as appropriate, disproportionately adverse human health or environmental effects on minority populations and low-income populations.

Per section 2.3.3 and 2.3.4, the town of Kitzmilller experiences disproportional low income. To the best of our knowledge, there are no minority populations with in Kitzmilller or the project area. Refer to section 4.3.6 for impacts to said populations.

SECTION 3.0 ALTERNATIVES CONSIDERED

The project team considered several alternatives that serve to return flow into the entire length of approximately 3,025 ft of Old Mill Race including a no-action alternative. The project delivery team established the site selection criteria to provide initial constraints from which the team could design alternatives. The purpose of the design criteria was to guide the project delivery team and public through the site selection and design process. The goal of this project is to restore the aquatic and riparian resources of Old Mill Race to help support a sustainable and healthy aquatic environment. The site’s functional objectives are to provide usable contiguous perennial aquatic habitat (deep and flowing water in the stream channel) for the betterment of the

ecosystem. The restoration design guidelines and constraints are a critical component of the plan formulation and alternatives analysis process. The following is a list of site selection and design criteria.

Site Selection Criteria

1. Do not penetrate the levee.
2. Use the existing mill race channel.
3. Hydrologically reconnect the inlet and outlet ends of Old Mill Race.

Design Process Criteria

1. Do not induce flooding or place communities in 100-year floodplain.
2. Provide positive drainage for sustainable fish habitat.
3. Remove fish blockages and do not create new fish blockages.
4. Do not remove or harm locally preferred vegetative species.
5. Provide simple construction and operation methods (simple design).

Excluding the no-action alternative, the alternatives were based on three design problems: 1) damaged Main Street culvert with no headwall and wingwall protection, 2) no positive channel drainage during base flow (non-storm) events, 3) increased risk of minor nuisance flooding. The alternatives offered in this discussion are distinguished by several options, including:

- Inlet culvert designs (three different designs).
- All alternatives shall use the levee inlet sluice gate for water surface level control within Old Mill Race.
- All alternatives propose the excavation of Old Mill Race channel to allow a positive, downhill drainage for a length of 200 feet.
- All alternatives propose the removal of a twin culvert at the downstream end of Old Mill Race to allow unrestricted flow through Old Mill Race to avoid flooding.
- Wetland enhancement at Old Mill Race outlet.
- Access to the construction area for all alternatives would be on an existing paved walking path by the inlet culvert site.

Alternative Number	1	2	3
Alternative Description	22' culvert pipe extension (and sloping backfill) with headwall, channel grading, wetlands	Culvert headwall at road with level backfill, channel grading, wetlands	10' culvert pipe extension with sloping backfill, channel grading, wetlands

Each alternative was evaluated individually and without the restored wetland option. This multiple level alternative analysis was conducted for each of the design problems (1, 2 and 3 above) and yielded several (6) alternatives. After applying the site selection and design criteria to the challenges, the alternatives generated were carried forward for further cost-effective and quantification analysis then compared to the no-action alternative. The alternatives were

evaluated based on four criteria: constructability, the likelihood for project success, ecological benefits, and cost effectiveness.

For the purposes of this project, constructability is defined as an alternative that provides flow restoration and positive drainage with the minimum amount of topographic disruption and vegetative disturbance. The likelihood for project success is defined as an alternative that receives no or limited negative inputs such as polluted stormwater runoff, sediment from land use activities and conforms to an urban environment (e.g. existing developments, etc.). Cost effectiveness is defined as the most environmental output for the least amount of dollars spent, under the goal and objectives of this project.

Ecological benefits or environmental outputs are defined as linear feet of stream restored through perennial flow connection. Variations in the channel water depth (3" to 14"), upstream culvert design, preliminary estimates of construction costs, real estate, monitoring and environmental benefits (unit area) were considered during the plan formulation process.

A summary of how each alternative fared in comparison to the four criteria is included below. This table demonstrates a comparison of constructability, preliminary cost data as well as measurable direct benefits (linear feet of stream [ft]) and indirect benefits such as educational opportunities and community involvement. Project cost estimates may change as a result of comments from permitting agencies.

Alternative	Constructability	Likelihood of Success	Direct Output	Indirect Output	Cost (1000s)
1.0	HIGH	HIGH	3,025 ft & 0.5 acres wetland	environmental education & Bayscapes	128.5
2.0	LOW	LOW	3,025 ft & 0.5 acres wetland	environmental education & Bayscapes	191.5
3.0	HIGH	HIGH	3,025 ft & 0.5 acres wetland	environmental education & Bayscapes	32.0
1.0 w/o wetland	HIGH	HIGH	3,025 ft	environmental education	123.0
2.0 w/o wetland	LOW	LOW	3,025 ft	environmental education	186.0
3.0 w/o wetland	HIGH	HIGH	3,025 ft	environmental education	26.5

3.1 No-Action

There exists the option of postponing or avoiding construction of the project. This alternative constitutes the no-action scenario and represents the baseline condition presented in this EA. If nothing is done about the absence of baseflow in Old Mill Race, the aquatic ecosystem would continue to be extremely degraded. The current alignment of the culvert through the levee system along the North Branch Potomac River does not allow daily flow through Old Mill Race. Aquatic organisms would continue to be pretty much absent in the stream, which once had regular flow. Because of the lack of beneficial impacts of this alternative, it would not fulfill the project purpose and need.

3.2 Alternative 1: Culvert Headwall at End of 22' Extension

The alternative would be constructed to provide the 2.5 cubic feet per second (cfs) of baseflow to Old Mill Race. During higher flow events, the water surface level in Old Mill Race would be manually controlled by an existing levee gate. This alternative extends the Main Street culvert 22 feet further downstream. The pipe would be placed in Old Mill Race and would be backfilled with stone and soil from both off-site and on-site sources collected during the channel grading. The 22' extension would avoid a 36" diameter at breast height (DBH) maple tree located near the headwall. This tree is one of several the sponsor requires the project to avoid.

The grade of Old Mill Race would be excavated to create positive (downhill) drainage from the inlet, to the downstream end. Rocks collected during the excavation may be used for stabilizing the banks from the culvert through the length of the channel excavation. The grading would be necessary from the Main Street culvert extension to approximately 200 feet downstream. The extended culvert would be tied into Main Street at the existing street grade. The re-graded channel would be two feet wide and one foot deep. Twin culverts, located along the middle of Old Mill Race would be removed to reduce the risk of interior flooding. Culvert headwall, wingwalls, and an apron would be install at the extended inlet culvert.

A small area (0.5 acres) of wetlands at the downstream end of Old Mill Race would be enhanced during the construction phase. The wetland is currently degraded and does not have sufficient soil to sustain substantial wetland vegetation. The wetland hydrology would be sustained by the baseflow provided by the new culvert and headwall design.

This alternative offers a high likelihood of project success and ample ecological benefits based on the baseflow it provides to Old Mill Race (3,025 ft) and 0.5 acres of wetland enhanced. The significant costs associated with installing a 22' extension pipe and the significant amount of backfill material required preclude this alternative as being preferred. This alternative would have costs approximately 7 times the dollar amount of the preferred alternative.

3.3 Alternative 2: Full Height Culvert Headwall at Edge of Main Street

This alternative would construct a headwall culvert structure at the Main Street culvert, provide positive channel drainage and enhance wetlands. This alternative would not have an extension pipe such as in alternatives 1 and 3. The culvert structure would extend to the top of the Main Street roadway and be backfilled level with the road. The structure would prevent excess debris from filling in the channel as is currently occurring; however, the new structure would not avoid the 36" DBH maple tree located along the mill race near the existing Main Street culvert.

The grade of Old Mill Race would be excavated to establish positive drainage from the inlet culvert, to the downstream end of Old Mill Race and on to the North Branch Potomac River. The proposed channel would be cut approximately one foot deep and would tie into the existing grade, and the graded channel would be approximately two feet wide. Approximately 200 feet of channel would be graded from the Main Street culvert downstream. Rocks collected during the excavation may be used for stabilizing the channel banks along the excavated channel. These rocks would be used to construct a stacked stone bank.

A small area (0.5 acres) of wetlands at the downstream end of Old Mill Race would be enhanced during the construction phase. The wetland is currently degraded and does not have sufficient soil to sustain wetland vegetation. The enhanced wetland hydrology would be sustained by the baseflow provided by the new culvert and headwall design. Twin culverts, located along the middle reach of Old Mill Race would be removed to reduce the risk of interior flooding. Culvert headwall, wingwalls, and apron would be installed at the Main Street culvert.

While this alternative provides the necessary baseflow, construction of this alternative would result in the removal of trees and other vegetation the sponsor prefers to keep as well as a more constrained area in which to build the project. Therefore, this alternative ranks low in both constructability and likelihood of project success. Because the culvert details are close to the road (no pipe extension) the headwall and backfill materials would need to be designed to be at least as high as the road. This requirement appreciably increases the quantity of materials and cost of the project. This alternative would have costs nearly 11 times the dollar amount of the preferred alternative. Therefore, this alternative was eliminated from further consideration.

3.4 Alternative 3 (Preferred Alternative): Culvert Headwall at End of 10' Extension

A culvert would be constructed 10 feet downstream of the existing culvert and backfilled to a slope that meets the existing culvert invert. Additionally, this alternative would grade Old Mill Race and enhance wetlands. The extension pipe would rest in Old Mill Race and would be backfilled with stone and soil that would be from both off-site and on-site sources. The 10' extension would avoid the 36" DBH maple tree near the culvert and would be more easily constructed.

The grade of Old Mill Race would be excavated to establish positive drainage from the inlet culvert, to the downstream end of Old Mill Race and on to the North Branch Potomac River. The proposed channel excavation would be approximately one foot deep and two feet wide. The excavation would continue downstream for approximately 200 feet and tie into natural channel elevations. Stone and soil backfill may be from off-site or on-site sources. Larger rocks collected during the excavation would be used for stabilizing the excavated channel banks. These rocks would be used to construct a stacked stone bank. Twin culverts located along the middle reach of Old Mill Race would be removed to allow effective return flow into the North Branch Potomac River and reduce the likelihood for increased nuisance flooding.

A small area of wetlands (0.5 acres) at the downstream end of Old Mill Race would be enhanced during the construction phase. The wetland is currently degraded and does not have sufficient soil to sustain wetland vegetation. The enhanced wetland hydrology would be sustained by the baseflow provided by the new culvert and headwall design.

This alternative offers a high likelihood of project success and ample ecological benefits based on the baseflow it provides to Old Mill Race (3,025 ft) and wetland enhanced (0.5 acres). The flow would provide 2.5 cfs of baseflow, or 3-14" depth, to Old Mill Race by providing positive drainage from the North Branch Potomac River. As previously stated, this alternative would use the levee's manually controlled gate to moderate flooding during high flow events. Appreciably

reduced costs and the reduced amount of backfill material required make this the preferred alternative. This alternative was considered the preferred alternative when compared against alternatives 1 and 2 with or without wetlands.

3.5 Alternative 1.0 without wetlands

This alternative is the same as alternative 1.0 except no wetland enhancement. This alternative carries with it all the pros and cons of alternative 1.0; however there are even fewer environmental benefits and less chance for community involvement through the Bayscapes program. Therefore, this alternative was eliminated from further consideration.

3.6 Alternative 2.0 without wetlands

This alternative is the same as alternative 2.0 except no wetland enhancement. This alternative carries with it all the pros and cons of alternative 2.0, however there are even fewer environmental benefits and less chance for community involvement through the Bayscapes program. Therefore, this alternative was eliminated from further consideration.

3.7 Alternative 3.0 without wetlands

This alternative is the same as alternative 3.0 except no wetland enhancement. This alternative carries with it almost all the pros and cons of alternative 3.0. The major differences are that this alternative costs slightly (<\$5,000 difference) less than Alternative 3.0; however there are even fewer environmental benefits and less chance for community involvement through the Bayscapes program. The team considered the trade-off of the slight cost difference versus the impact of the loss of substantial community involvement and felt the trade-off was not worth it. Therefore, this alternative was eliminated from further consideration.

SECTION 4.0 WITH PROJECT CONDITIONS - WATERSHED IMPACTS

The impacts of this project are largely beneficial. While the existing topography and position of the levee restricts the ability of appreciable increases in housing, commercial/industrial or population growth, increasing stream flow retention within the channel would benefit the environmental conditions of the area by supporting aquatic life and by the transport of sediment.

4.1 Physical Environmental Impacts

4.1.1 Landuse

Since the project area contains a narrow valley in which to build and a town currently resides there, there are no future landuse changes expected. Therefore, no appreciable impacts are expected.

4.1.2 Topography

The changes to topography would be localized and minor to the larger vicinity. The excavation in Old Mill Race would lower the elevation approximately 1 foot at the upstream most portion of the channel. The excavation would gradually meet with the current grade of the channel 200 feet downstream. The channel sides would be slightly modified to form a trapezoidal channel such that water would travel more efficiently. The removal of the culverts downstream would result in a localized grading of that portion of the channel to resemble the rest of the channel.

4.1.3 Physiography, Geology and Soils

The proposed alternative is in a very confined area such that impacts to underlying geology would not be experienced. Surface sediments and soil would be sorted and large rocks would be removed and used as backfill over the extension pipe and the sides of the channel. There would be no change to either the physiography or geology of the project area.

4.1.4 Hydrology

The primary function of the proposed alternative would be to alter the hydrology in Old Mill Race to achieve consistent baseflow. The hydrology would be controlled by the existing inlet levee sluice gate. This would be important mainly when the North Branch Potomac River floods and the sluice gate would manually be closed to prohibit excess water from overflowing the banks of Old Mill Race. The gate would remain open to allow for approximately 2.5 cfs (3" to 14" depth) in the stream during normal flow. The gate would remain open until the velocity reaches 14 cfs. Old Mill Race would receive this flow consistently throughout the year provided the North Branch Potomac River has sufficient flow. As mentioned above, the downstream most culverts would be removed so that water would not back up at the culverts. Upon opening of the sluice gate at the new culvert local water levels would raise to the level that would achieve sufficient flow for aquatic life (3" to 14" depth) on a daily basis. The anticipated channel depth is 2.86 feet, or an elevation of 1,628 feet at the upstream most end of the channel. From here, the water depth would remain approximately 14" inches in depth.

Since the baseline condition is basically no water in the channel, construction activities are anticipated to occur in the dry. While the hydrological changes are major and permanent in nature, they would stabilize Old Mill Race hydrology without flooding the town. This project would have no effect on the North Branch Potomac River hydrology.

4.1.5 Water Quality

Water quality in Old Mill Race would only experience minor and temporary impacts immediately following the construction phase. A minor increase in suspended sediment in the water of Old Mill Race and North Branch Potomac River would settle out in a short time (hours). Currently, there is little water in Old Mill Race to compare to impacts from conditions created by the proposed alternative. Therefore, no appreciable impacts to water quality either in the North Branch Potomac River or Old Mill Race are expected.

4.1.6 Climate

Since the project is very small in size and duration there would be no impacts of any kind to the local or regional climate.

4.1.7 Air Quality

The region has no measured air quality problems. The excavating and construction equipment would produce minor short-term emissions during material placement over land to the channel/berm. Air quality impacts for the proposed action is expected to be localized, temporary, and insignificant and within the Ozone and NO_x limits for this area. There would be no long-term or significant impacts to air quality.

4.1.8 Prime and Unique Farmland

There are no areas of Prime and Unique Farmland in the project area; therefore, no impacts would occur.

4.1.9 Wild and Scenic Rivers

There are no Wild and Scenic Rivers in the project area; therefore, no impacts would occur.

4.1.10 Floodplain Management

Despite Old Mill Race being located in the 100-year floodplain, the inlet/outlet structures control storm flows through Old Mill Race. The major modifications made as a result of this project would be consistent with the original project purpose of flood protection (against a maximum flood of 52,000 cfs) for the towns of Kitzmiller, Maryland and Blaine, West Virginia. This project would not change flood elevations or alter existing floodplain management.

4.2 Biological Setting

4.2.1 Aquatic Conditions

The regular and relatively consistent return of flow to Old Mill Race would provide conditions that would support aquatic life. These conditions are currently not supported in the dry Old Mill Race. As a result of the project, the water depth would allow for the success of an aquatic ecosystem favorable to the blacknose dace, longnose dace, white sucker, and the northern creek chub. Consultation with National Marine Fisheries has indicated that no Essential Fish Habitat issues exist for Old Mill Race. Beneficial impacts to the aquatic conditions of Old Mill Race would occur.

4.2.2 Wetlands

There are no known wetlands adjacent to Old Mill Race. The proposed project would include construction of a small area of wetlands using clean local fill located near the outlet culvert alongside Old Mill Race (less than 1 acre). The work would be conducted in the dry to the extent practicable. The area would be graded to allow the water level to support wetland

hydrology. The citizens of Kitzmiller and U.S Fish and Wildlife Service's BayScapes program would plant the graded area with appropriate hydrophytic vegetation. Native vegetation would be planted that resembles vegetation found in the stream valleys of Western Maryland.

4.2.3 Flora

There would be minor and localized impacts to vegetation within the project area. Construction equipment would gain access by a paved walkway near Old Mill Race at the inlet culvert. Some vegetation would be destroyed from compaction by construction equipment. However, the 36" diameter Maple tree would not be affected by the proposed project. All efforts would be made to limit the impact to the local environment, as the intent is to restore a degraded stream system.

4.2.4 Rare, Threatened, and Endangered Species

According to the U.S. Fish and Wildlife Service letter dated February 24, 2003, except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project area (Appendix B).

4.2.5 Fauna

All animals within the project area should be able to vacate the area during construction and return after construction. Noise disturbance to birds and other animals would be held minimal due to the limited number and small size of construction equipment used to build the proposed project. No appreciable or long term adverse affects are anticipated.

4.3 Community Setting

Benefits to the Kitzmiller community would primarily be seen as beneficial. The town of Kitzmiller is enthusiastic with the prospect of returning flow to Old Mill Race.

4.3.1 Historical Resources

Maryland State Historic Preservation Office coordination has been conducted. A copy of the consultation letter can be found in Appendix B. Based on this letter, while there are recognized historical sites and cultural interests within the project area, these sites have been photographed and documented, and are avoided to the extent possible.

4.3.2 Hazardous, Toxic, and Radioactive Wastes (HTRW)

There are no known HTRW sites in the study area or is there any reason to expect their occurrence.

4.3.3 Population, Employment and Income

The proposed action is relatively small in scale and short in duration. Consequently, no appreciable impact on area socioeconomic conditions is expected including impacts to population, employment, or individual income.

4.3.4 Transportation

The proposed project may have temporary impacts to traffic on Main Street, located at the inlet culvert. Construction equipment may obstruct flow of traffic as they work on the inlet culvert. However, these impacts would be relatively minor in duration and extent.

4.3.5 Education

The proposed action would have no adverse impacts to education. However, students at the local school would benefit as the opportunity to study ecology in Old Mill Race would be available. Students and educators are planning to release fish to Old Mill Race upon completion of the Corps proposed project for educating students to be stakeholders in natural processes.

4.3.6 Environmental Justice

No significant, long-term, direct, or adverse impacts under Executive Order 12989 (*Environmental Justice in Minority Populations*) are expected due to the relatively small scale of the project and its location. The project site was not targeted based on the socioeconomic makeup of the landowners, but rather based on the environmental benefits and costs. The citizens in the project area, regardless of their race or income, would benefit from this project.

4.4 Cumulative Impacts

Cumulative effects are a result of impacts on the environment resulting from the incremental increase in impacts related to the implementation of a proposed action when added to other past, present, and future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects may be both beneficial and detrimental and can result from individually minor, collectively significant actions taking place over a period of time (CFR Parts 1508.7 and 1508.8).

Old Mill Race has been adversely impacted by the construction of the levee. Restoration of flow would increase the aesthetics of the area creating many opportunities for recreation that likely once existed prior to the levee construction. The proposed project would create many educational opportunities for citizens, educators, and students of Kitzmiller. There would be enhanced participation in outdoor activities that are currently unavailable in the dry Old Mill Race. The community is anticipating this opportunity to involve the local citizenry in this restoration effort. This restoration project is viewed as an opportunity to enhance an urbanized town without resources to plan and execute this type of effort on their own.

The enhancement of wetlands along Old Mill Race would convert a portion of a barren and dry stream bed to a habitat for native wildlife. Though the enhanced area would be small in size, it would create diversity in the local environment and also allow for improved educational and recreational opportunities.

Increased flooding is not expected to occur as a result of implementing this project. The existing levee gate would be manually closed during anticipated high flow events; therefore, not compromising the effectiveness of the levee.

Besides the 1964 Corps levees, there are no other known Federal, state or local projects (beyond normal infrastructure operations and maintenance) within the project area. No significant long-term negative impacts to the project area are expected to occur as a result of the cumulative impacts from the construction of the proposed levee modification. Instead, the combined efforts of this project and the additional restoration efforts being conducted by the town of Kitzmiller and the U.S Fish and Wildlife Service are expected to have a beneficial impact to the aquatic ecosystem in Old Mill Race.

5.0 ENVIRONMENTAL COMPLIANCE

In addition to the environmental impacts discussed in this EA, a review of the proposed action has been made with regard to other potential areas of concern. A section 404(b)(1) of the Clean Water Act evaluation of the discharge of dredged or fill materials on waters of the United States is included in Appendix A. The Fish and Wildlife Service coordination has been conducted including a consultation for Section 7 of the Endangered Species Act (see Appendix B). Based on information provided by the National Marine Fisheries Service, Essential Fish Habitat reporting beyond this document is unnecessary. The public notice for the project has been issued concurrently with this EA, and it is expected that a Water Quality Certificate would be awarded

from the state of Maryland. Appendix C outlines the statutes and executive orders that are potentially applicable to the project, including the level of compliance.

6.0 CONCLUSION

The overall impacts of the proposed Corps project have been evaluated in this EA. The proposed project at the Kitzmiller Levee would greatly improve the habitat qualities of Old Mill Race. The Corps anticipates that adverse impacts would be temporary and minor, and that no significant impacts would occur. The Corps would reconfigure an existing inlet culvert to allow water to flow into Old Mill Race from the North Branch Potomac River. The levee sluice gate would be used to control the flow of water during normal flow and flooding events. Approximately 3-14" of water depth would be maintained with normal flow from the North Branch Potomac River. These conditions would allow for the establishment of aquatic organisms. The stream would be graded for 200 feet from the inlet culvert downstream to produce positive drainage. An old culvert would be removed downstream in Old Mill Race as it would obstruct the flow of water and potentially cause localized backwater. There are many trees that are important to the community and would be avoided during construction. The project also includes enhancing a currently degraded wetland. Clean, local fill would be used to regrade the area alongside and at the outlet end of Old Mill Race. This area would be less than 1 acre and would be planted with appropriate native vegetation. The town of Kitzmiller is enthusiastic about the potential benefits this project would have on their community. Recreation and educational opportunities would be created upon the project's completion.

Restoration of Old Mill Race, as discussed in this document, would not cause significant impacts to the environment. This assessment supports the conclusion that the proposed project does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, a Finding of No Significant Impact (FONSI) will be prepared.

APPENDIX A

CLEAN WATER ACT
SECTION 404(B)(1) EVALUATION
FOR THE DISPOSAL OF DREDGED OR FILL MATERIAL

**CLEAN WATER ACT
SECTION 404(b)(1) EVALUATION
KITZMILLER LEVEE PROJECT
GARRET COUNTY, MARYLAND**

I. Project Description

a. Location

The Old Mill Race is a 3,025 feet long small narrow intermittent stream located on the north edge of the town of Kitzmiller on the left bank of the North Branch (Potomac River), in Garrett County, Maryland. Old Mill Race was once a beautiful, wide ephemeral stream. An ephemeral stream has sufficient water flowing year round to support a permanent healthy aquatic ecosystem. In 1964, the Corps constructed the Kitzmiller Levee. The levee runs parallel to the river and Main Street. The inflow to Old Mill Race is facilitated by a levee culvert and the Main Street culvert.

b. Purpose

The goal of this project is to restore the aquatic resources of the stream and to help support a sustainable and healthy aquatic environment. The sites functional objectives are to provide usable contiguous perennial aquatic habitat (flow 3" to 14" deep in the stream channel) for the betterment of the ecosystem. The stream and arboretum are supported by the Maryland State Board of Education as an outdoor educational learning ecosystem.

c. General Description

The Corps and the town have identified three main project components to the stream restoration. First, the Main Street culvert outlet at the headwaters of Old Mill Race will be extended and replaced. Second, measures (i.e. channel grading) will be taken to increase the volume of water that reaches Old Mill Race. Lastly, a wetland area would be enhanced through grading at the downstream end of Old Mill Race, before the levee, in order to increase stream flow retention within the channel and provide additional hydrology to wetland plant communities. The stream restoration and wetland plant communities are expected to provide habitat for a variety of bird, amphibian, reptile and fish species.

Excluding the no-action alternative, the alternatives were based on three design problems: 1) damaged Main Street culvert with no headwall and wingwall protection, 2) no positive channel drainage during base flow (non-storm) events and 3) increased risk of minor nuisance flooding.

Alternative Number	1	2	3 (PREFERRED)
Alternative Description	22' culvert pipe extension (and sloping backfill) with headwall, channel grading, wetlands	Culvert headwall at road with level backfill, channel grading, wetlands	10' culvert pipe extension with sloping backfill, channel grading, wetlands

d. General Description of Discharge Material

- (1) *Characteristics of Fill Material* – The proposed channel construction involves approximately one foot of channel substrate by two feet wide to be excavated from the culvert extension downstream approximately 200 feet. The grading would tie into the existing channel grade. Rocks collected during the excavation may be used for stabilizing the channel banks within the construction footprint. These rocks would be used to construct a stacked stone bank. The 10-ft extension pipe would rest in Old Mill Race and would be backfilled with stone and soil that would be from both off-site and on-site sources. Additionally, twin culverts would be removed and approximately one acre of wetland would be enhanced/restored at the downstream end. Approximately 5,000 cubic yards of material would be excavated and/or filled in the project area.
- (2) *Source of Fill materials* - The materials would be clean small and large stone materials free of contaminants. The clean materials would be obtained from the excavation of the stream channel or hauled in from off-site.

e. Description of the Proposed Discharge Site

In-stream and over-bank construction and excavation would be required to construct the culvert extension and establish positive drainage in the channel. Temporary in-stream construction access would be required for bed excavation, culvert extension, culvert removal and stone placement.

f. Description of fill materials and Placement Method

Material would be placed along the channel, below the bed surface and along the toe, along the entire 200 feet length of the Old Mill Race. Ten feet of Old Mill Race immediately adjacent to the existing culvert would be permanently filled with the culvert extension. In addition, approximately one acre of stream bank would be graded to restore/enhance 0.5 acres of wetland at the downstream end. Temporary impacts to the streambed would result from soil compaction, destruction of vegetation and shifting of substrate. Localized permanent impacts to aquatic organisms in the project area are not likely in the upper and middle reaches. Aquatic animals and plants are expected to recolonize the area shortly after construction is completed. The existing levee gates would be closed during construction; therefore, eliminating the need for temporary diversion dams, piping and turbidity curtains. The project work would be relatively

permanent; however, disturbances from construction activities would be temporary. The existing access path and stream channel would be stabilized after construction.

II. Factual Determinations

a. Physical and Substrate Determinations

- (1) *Substrate elevation and slope* – The excavation within the mill race and wetland is approximately one foot. No appreciable changes to stream banks are expected. The first 10 feet of the creek would be permanently filled by the culvert structure. The rock channel runs for approximately 55 feet until stable grading can be achieved. The proposed grading continues for another 150 feet to tie into the existing channel and providing a 0.4 percent final grade. The grading would provide a channel 2 feet wide with 2:1 side slopes. The small rock channel should be aesthetically pleasing as it traverses from the new culvert outfall and under a small existing footbridge.
- (2) *Sediment Type* – The main properties of Kitzmiller soil are gently sloping to steep, moderately deep, well drained and moderately well drained, very stony soils; formed over acid, gray to yellowish sand stone and shale (DeKalb-Gilpin-Cookport association). The localized soil environment along the Kitzmiller floodplain contains soils characterized by very stony soils, often with large boulders. There would be changes to sediment type due to placement of rock materials and increased flow, thus allowing minor scour and subsequent exposure of native channel materials.
- (3) *Dredged/Fill Material Movement* – No movement of the fill material is expected. During construction, the levee sluice gates would be closed and any remaining water removed to the extent practicable.
- (4) *Other Effects* - None.
- (5) *Actions Taken to Minimize Impacts* – During construction, the levee sluice gates would be closed and any remaining water removed to the extent practicable. Once the sluice gates are closed the stream would be an isolated system. Upon opening the gate, there should be no appreciable source of sediment or turbidity that would effect the larger Upper North Branch Potomac River.

b. Water Circulation, Fluctuation, and Salinity Determinations

(1) Water

- (a) Salinity – Not applicable.
- (b) Chemistry - No change expected.
- (c) Clarity - Minor and temporary reduction may occur during and immediately after construction due to turbidity. No long-term impacts are expected.
- (d) Color - Minor and temporary change may occur during construction due to minor increase in turbidity. No long-term impacts are expected.
- (e) Odor - No appreciable changes are expected.

- (f) Taste - Not applicable.
- (g) Dissolved Gas Levels – Dissolved gas levels in the stream are expected to increase beneficially due to its restoration and increased flow rates.
- (h) Nutrients – Nutrient levels in the stream are expected to increase beneficially due to its restoration and increased flow rates.
- (i) Eutrophication - Not expected to occur.
- (j) Temperature – Water temperature levels are expected to be more stable after project completion due to more stable and increased flow rates.

Current Patterns and Circulation

- (a) Current Patterns and Flow – Base flow rate is expected to increase from 0 cubic feet per second (cfs) to approximately 2.5 cfs and increase in depth from ~ 0 inches to 3” to 14”.
 - (b) Velocity – Flow rates and velocities would increase; however, the increases are expected to be beneficial and not to lead to erosion or scour problems.
 - (c) Stratification - No adverse impacts are expected.
 - (d) Hydrologic Regime – The stream system would change from an intermittent drainage ditch to a perennial stream. These changes would occur only within the confines of the channel and would not induce flooding. The wetland area would be graded to purposefully increase the extent and duration of inundation.
- (2) *Normal Water Level Fluctuations* – Due to increases in base flow depth, offset against the presence and use of the levee sluice gates at both the upstream and downstream end of the project, water level should be somewhat stable except during storm events. Flooding would be controlled by use of the sluice gates.
- (3) *Salinity Gradients* – Not applicable.
- (4) *Actions That Will Be Taken to Minimize Impacts* – Best management practices would be used to reduce impacts to vegetation and minimize sedimentation.

c. Suspended Particulate/Turbidity Determinations

- (1) *Expected Changes in Suspended Particulates and Turbidity Levels in Vicinity of Placement Site* - Minor, localized, and short-term impacts are expected to occur during construction. Coarse grain-size material would rapidly settle out of suspension. Turbidity levels are expected to rapidly return to background levels once in-stream construction is completed. Due to the small scale of the project, even fine sediments that escape from the project area would not lead to appreciable adverse impacts downstream.
- (2) *Effects (degree and duration) on Chemical and Physical Properties of the Water Column*

- (a) Light Penetration – After gate opening there could be minor, temporary, and localized reduction in light penetration due to turbidity during and immediately after construction.
- (b) Dissolved Oxygen - Minor, temporary, and localized reduction in dissolved oxygen, due to turbidity, may occur during construction.
- (c) Toxic Metals and Organics - No toxic metals or organics are expected to be released into the water column.
- (d) Pathogens - No pathogens are expected to be released into the water column.
- (e) Aesthetics – To the extent practicable base flow conditions sufficient enough to support aquatic life would result. There would be substantial improvements to the aesthetics of the area. No long term or appreciable negative impacts are expected.
- (f) Temperature - To the extent practicable flow conditions sufficient enough to support aquatic life in combination with the existing vegetation would result in a lowered thermal regime. The stream would no longer be a mud channel with isolated mud puddles. There would be substantial improvements to the temperature of the Old Mill Race as it is reverted back to a stream. No negative impacts are expected.

- (3) *Actions Taken to Minimize Impacts* – All appropriate sediment and erosion control actions would be used. All work would conform to the requirements of the state water quality certificate. Construction specifications mandate the compliance with all applicable environmental protection regulations for pollution control and abatement.

d. Contaminant Determinations

Environmental coordination and historical research indicate that no contaminant sources are located in the area. Clean fill materials would be used.

e. Aquatic Ecosystem and Organism Determinations

- (1) *Effects on Plankton* - Impacts from the discharge of fill materials, which would result in increased turbidity during construction, are anticipated to be minor and temporary. No detrimental long-term impacts are expected. Beneficial impacts from normal baseflow rate and depth of water, which would result in increased plankton population after construction, are anticipated to be permanent.
- (2) *Effects on Benthos* – The construction activity may destroy relatively non-motile benthic organisms that inhabit the site (mud puddles). It is expected that benthos would recolonize the area following construction. Negligible and temporary impacts to benthos in areas adjacent to the outlet culvert sites may occur during construction as a result of increased turbidity. Impacts from normal inflow water rates, which would result in increased benthos population after construction, are anticipated to be permanent.
 - (a) Primary Production, Photosynthesis - Minor, temporary, and localized reduction in photosynthesis and primary production due to turbidity at the outlet structure may occur during construction. However, permanent benefits are expected to occur as a result of aquatic ecosystem restoration.
 - (b) Suspension/Filter Feeders – Turbidity and construction equipment may temporarily impact the relatively non-motile suspension/filter feeders that inhabit the construction

site (mud puddles) and at the outlet structure. However, these impacts are expected to be minor and temporary. The site does not have a high habitat value for filter feeders. However, permanent benefits are expected to occur as a result of aquatic ecosystem restoration.

- (c) *Sight Feeders* - Turbidity and construction equipment may temporarily impact the relatively non-motile sight feeders that inhabit the construction site (mud puddles) and at the outlet structure. However, these impacts are expected to be minor and temporary. The site does not have a high habitat value for sight feeders. However, substantial permanent benefits are expected to occur as a result of aquatic ecosystem restoration.

- (3) *Effects on Nekton* - Temporary construction activities are anticipated to temporarily affect the distribution of nektonic organisms, which may be relocated away from the project area after the gates are closed. However, major and permanent benefits are expected to occur as a result of aquatic ecosystem restoration.

- (4) *Effects on Aquatic Food Web* - The aquatic food web is anticipated to be temporarily impacted to a minor degree by loss of benthos at the construction site. However, the restoration of flow (to appropriate depths) and scouring of bottom sediments would provide a major and permanent source of habitat (cover, reproduction and foraging) for organisms that would benefit the entire food web.

(5) *Effects on Special Aquatic Sites*

- (a) *Sanctuaries and Refuges* - There are no sanctuaries or refuges within the project area.
- (b) *Wetlands* - The project would not directly impact any known wetlands. However, a small area at the end of Old Mill Race would be graded to provide wetland hydrology for the adjacent stream banks.
- (c) *Tidal flats* - There are no tidal flats within the project area.
- (d) *Vegetated Shallows* - No vegetated shallows are present within the project site.
- (e) *Coral Reefs* - There are no coral reefs within the project area.
- (f) *Riffle/pool complexes* - The project area does not have sufficient flow or transport sediment through its channel and therefore does not have “riffle/pool complexes” despite Old Mill Race as being a “blue line stream” on the US Geological Survey S topographic map. However, upon completion of this project, water depths and flow in the channel may be sufficient to restore the riffle/pool complexes to pre-1964 condition.

- (6) *Threatened and Endangered Species* - Coordination with the U.S. Fish and Wildlife Service has indicated that no threatened or endangered species are known to frequent the project area except as transients. Thus, no effects on threatened or endangered species are expected.

- (7) *Other Wildlife* - It is expected that birds would temporarily relocate during construction due to increased human presence and noise. Mammals and herptiles may experience a minor impact if unable to vacate the area, however, rapid re-colonization is expected to occur.

- (8) *Actions to Minimize Impact* - In-stream and over bank construction would be used, in accordance with the state of Maryland's water quality certificate. During construction, the levee sluice gates would be closed and any remaining water removed to the extent practicable. Once the sluice gates are closed the stream would be an isolated system. Upon opening the gate, there should be no significant source of sediment or turbidity that would appreciably effect waters downstream. Avoidance of locally preferred vegetation is a project design constraint and therefore would already be minimized accordingly.

f. Proposed Disposal Site Determinations

- (1) *Mixing Zone Determination* - Not applicable.
- (2) *Determination of Compliance with Applicable Water Quality Standards* - Construction activities would be conducted in accordance with all applicable state water quality standards. A water quality certification or waiver would be obtained prior to the initiation of construction.
- (3) *Potential Effects on Human Use Characteristic*
- (a) Municipal and Private Water Supply - Not applicable.
 - (b) Recreational and Commercial Fisheries - Not Applicable.
 - (c) Water Related Recreation - Increased use of the area for public education and non-consumptive recreation (walking, bird watching, etc.) is expected to occur.
 - (d) Aesthetics - The overall aesthetics to the area would be improved upon following construction.
 - (e) Parks, National and Historical Monuments, National Seashores, Wilderness Areas, Research Sites, and Similar Preserves – Not Applicable.

g. Determination of Cumulative Effects on the Aquatic Ecosystem – This project would effectively restore the Old Mill Race aquatic ecosystem by converting an intermittent channel to a perennial stream system with stable base flow conditions. Temporary and minor impacts to stream substrate and aquatic life as a result of construction activity would result in relatively permanent changes to the stream channel characteristics. The local school system and the town plan to use restored Old Mill Race as an outdoors educational learning environment. Long-term beneficial changes to the project area would occur. This project would not effect the purpose and operation of the existing levee system. Nearby Main Street road maintenance activities would occur more efficiently due to the increased “shoulder” provided by the culvert pipe extension. In addition, road maintenance activities would no longer cause fill material to fall into the stream and clog the culvert. There are no other known federal, state or local projects within or adjacent to the project area.

h. Determinations of Secondary Effects on the Aquatic Ecosystem - Indirect effects resulting from the project have been discussed previously in this analysis under each category.

III. Finding of Compliance

- a. Adaptation of the Section 404(b)(1) Guidelines to This Evaluation - No adaptations of the Guidelines were made relative to this evaluation.
- b. Evaluation of Availability of Practicable Alternatives to the Proposed Discharge Site Which Would Have Less Adverse Impact on the Aquatic Ecosystem. – This is a water dependent project. Therefore, in-stream construction activity is required.
- c. Compliance With Applicable State Water Quality Standards. - The proposed activity would be in compliance with Maryland state water quality standards.
- d. Compliance With Applicable Toxic Effluent Standard or Prohibition Under Section 307 of the Clean Water Act. - The proposed activity is not anticipated to violate the Toxic Effluent Standard of Section 307 of the Clean Water Act.
- e. Compliance With Endangered Species Act of 1973 – No threatened or endangered species were identified within the project site.
- f. Compliance With Specified Protection Measures for Marine Sanctuaries Designated by the Marine Protection, Research, and Sanctuaries Act of 1972 - No Marine Sanctuaries, as designated in the Marine Protection, Research, and Sanctuaries Act of 1972, are located within the study area.
- g. Evaluation of Extent of Degradation of Waters of the United States – Because of best management practices, existing levee sluice gate utilization, vegetative avoidance and limited channel disturbance, the proposed placement of fill material would only result in minor, temporary adverse affects. Overall, the project would result in positive benefits to the aquatic environment.
- h. Appropriate and Practicable Steps Taken to Minimize Potential Adverse Impacts of the Discharge on the Aquatic Ecosystem – Winter construction schedules, sediment and erosion controls, use of existing levee sluice gates, lack of water in the channel, and best management practices would be used to minimize potential adverse impacts.

APPENDIX B

CORRESPONDENCE



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Maryland Department of Natural Resources

Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

C. Ronald Franks
Secretary

W. P. Jensen
Deputy Secretary

March 25, 2003

Ms. Heather Neagul
Corps of Engineers
CENAB - PL - P
P.O. Box 1715
Baltimore MD 21203-1715

RE: Environmental Review for Kitzmiller Levee Modification Project, Garrett Co., MD.

Dear Ms. Neagul:

The Wildlife and Heritage Service has no records for Federal or State rare, threatened or endangered plants or animals within this project site. This statement should not be interpreted as meaning that no rare, threatened or endangered species are present. Such species could be present but have not been documented because an adequate survey has not been conducted or because survey results have not been reported to us.

Sincerely,

A handwritten signature in cursive script that reads "Lori A. Byrne".

Lori A. Byrne,
Environmental Review Specialist,
Wildlife and Heritage Service

ER# 2003.0165.ga



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401



February 24, 2003

Ms. Heather Neagul
Corps of Engineers
CENAB-PL-P
P.O. Box 1715
Baltimore, MD 21203-1715

RE: Proposed Restoration of Approximately 3,025 Linear Feet of a Degraded Aquatic Ecosystem of the Old Mill Race, Garrett County, MD

Dear Ms. Neagul:

This responds to your letter, received January 28, 2003, requesting information on the presence of species which are federally listed or proposed for listing as endangered or threatened within the above referenced project area. We have reviewed the information you enclosed and are providing comments in accordance with Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

Except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project impact area. Therefore, no Biological Assessment or further Section 7 Consultation with the U.S. Fish and Wildlife Service is required. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

This response relates only to Federally protected threatened or endangered species under our jurisdiction. It does not address other fish and wildlife concerns under the Fish and Wildlife Coordination Act. For information on the presence of other rare species, you should contact Ms. Lori Byrne of the Maryland Wildlife and Heritage Division at (410) 260-8573.

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interests in these resources. If you have any questions or need further assistance, please contact Charisa Morris at (410) 573-4550.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ratnaswamy". The signature is written in dark ink and is positioned above the printed name.

Mary J. Ratnaswamy, Ph.D.

Program Supervisor, Threatened and Endangered Species

Date: 28 January 2003

Memorandum



Phone: (410) 962-4633

FAX: (410) 962-4698

E-mail: Heather.R.Neagul@nab02.usace.army.mil

To: Mr. Timothy E. Goodger
Officer in Charge
National Marine Fisheries Service
904 South Morris Street
Oxford, MD 21654-0279

From: Heather Neagul
Corps of Engineers
CENAB-PL-P
P.O. Box 1715
Baltimore, MD 21203-1715

Message:

I am submitting a request for the National Marine Fisheries Service Essential Fish Habitat consultation letter in the Kitzmiller Levee Modification Project that the Baltimore District is proposing. I have provided a summary and map of the project area to expedite the NMFS search.

We are proposing to restore approximately 3,025 linear feet of a degraded aquatic ecosystem of the Old Mill Race in the town of Kitzmiller in Garrett County, Maryland. A levee was built for flood protection along the North Branch of the Potomac River that subsequently has left the Old Mill Race dry. The stream currently does not have sufficient base flow to support aquatic life or transport sediment through the channel. Consequently, the stream is a long and narrow mudflat that only receives water during large storm events. During storm events water enters the stream through a culvert. See the attached project map for these locations.

The objective of this proposed Section 1135 study is to identify a cost-effective project that successfully restores approximately 6"-9" of base flow to the Old Mill Race to support aquatic life. The proposal will rehabilitate an existing culvert at the inflow site. The culvert will have an outflow pipe that extends 10 feet into the channel from the existing culvert.. This pipe extension will serve to avoid several mature maple trees close to the existing culvert. Minimal backfill will be place over the extension pipe for protection. The second action will be to excavate and re-grade the base of the Old Mill Race such that positive flow can be established through the stream. Downstream culverts will be removed in the Mill Race to allow for unobstructed flow to avoid minor flooding in the Town vicinity. Finally, approximately one acre of wetlands will be enhanced at the end of the Mill Race on the downstream end. This enhanced wetland will replace a pile of construction rubble (partial wetland fill) to the side of the Mill Race. The stream restoration and wetland plant communities are expected to provide habitat for a variety of bird, amphibian, reptile, and fish species.

An environmental assessment (EA) is being prepared and will recommend the new culvert with extended pipe, stream regrading, old culvert removal, and wetland enhancement. The draft EA and Finding of No Significant Impact will be released to the public in the spring of 2003.

The District requests that, in 30 days, the NMFS provide an environmental review and coordination letter at this time for the Kitzmiller Levee Modification Project. We have also sent a letter to the U.S Fish and Wildlife Service, Chesapeake Bay Field Office and the Maryland Department of Natural Resources Wildlife & Heritage Service regarding species under their protection.

If you have any questions regarding this matter, please contact Ms. Heather Neagul of this office, at (410) 962-4633.

Thank you,
Heather R. Neagul

Date: 28 January 2003

Memorandum



Phone: (410) 962-4633

FAX: (410) 962-4698

E-mail: Heather.R.Neagul@nab02.usace.army.mil

To: Mr. Dan Murphy
U.S Fish and Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401

From: Heather Neagul
Corps of Engineers
CENAB-PL-P
P.O. Box 1715
Baltimore, MD 21203-1715

Message:

I am submitting a request for the U.S Fish and Wildlife Service Fish and Wildlife Coordination Act Coordination and Section 7 endangered species consultation in the Kitzmiller Levee Modification Project that the Baltimore District is proposing. I have provided a summary and map of the project area to expedite the USFWS search.

We are proposing to restore approximately 3,025 linear feet of a degraded aquatic ecosystem of the Old Mill Race. A levee was built for flood protection along the North Branch of the Potomac River that subsequently has left the Old Mill Race dry. The stream currently does not have sufficient base flow to support aquatic life or transport sediment through the channel. Consequently, the stream is a long and narrow mudflat that only receives water during large storm events. During storm events water enters the stream through a culvert. See the attached project map for these locations.

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An environmental assessment (EA) is being prepared and will recommend the new culvert with extended pipe, stream regrading, old culvert removal, and wetland enhancement. The draft EA and Finding of No Significant Impact will be released to the public in the spring of 2003.

The District requests that, in 30 days, the USFWS provide an environmental review and coordination letter at this time for the Kitzmiller Levee Modification Project. We have also sent a letter to the National Marine Fisheries Service in Oxford, MD and the Maryland Department of Natural Resources Wildlife & Heritage Service regarding species under their protection.

If you have any questions regarding this matter, please contact Ms. Heather Neagul of this office, at (410) 962-4633.

Thank you,
Heather R. Neagul



**Maryland
Department of
Housing and
Community
Development**

*Division of Historical and
Cultural Programs*

100 Community Place
Crownsville, Maryland 21032

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1-800-756-0119
Fax: 410-987-4071
Maryland Relay for the Deaf:
711 or 1-800-735-2258

<http://www.dhcd.state.md.us>

Parris N. Glendening
Governor

Raymond A. Skinner
Secretary

Marge Wolf
Deputy Secretary

May 15, 2002

M. Loring E. Young
Director of Community Development Programs
Garrett County Community Action Committee, Inc.
104 E. Center Street
Oakland, MD 21550

Re: Home Rehabilitation at 17-24 Scattered Sites and Levee Repair
Kitzmiller, Garrett County MD (Section 106 Review - CDBG)
Project # MD-02-CD-31

Dear M. Young:

Thank you for writing the Trust regarding the above referenced undertakings. We have reviewed the project information in accordance with Section 106 of the National Historic Preservation Act, as amended, and are writing to request the additional information necessary to make a determination regarding effects on historic properties.

Levee Repairs

This portion of the project is already under review by Ms. Patricia Blick of the Trust. Mr. Ken Baumgardt with the U.S. Corps of Engineers (Corps) initiated consultation in January. As the levee repairs may impact historic properties, Ms. Blick requested a formal determination of eligibility (DOE) report for the Kitzmiller Survey District. A copy of her letter is enclosed. For the levee repairs and improvements, the Corps will be considered the lead agency in the Section 106 review process. Further correspondence with our office should be directed to Ms. Blick.

Home Rehabilitation

The Kitzmiller Survey District (Maryland Inventory of Historic Properties number G-IV-C-176) is potentially eligible for listing in the National Register of Historic Places. Until the Corps completes the official DOE for the levee project we will treat the district as eligible. In order to complete our review, we will need the following information for each site:

- Exact address;
- Street map with location labeled (There can be one map with all sites marked and labeled.);
- Clear photograph of the house (One is required. Two is requested.);
- Work description.





**Maryland
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Parris N. Glendening
Governor

Raymond A. Skinner
Secretary

Marge Wolf
Deputy Secretary

15 January 2002

Mr. Ken Baumgardt
Study Team Leader
U.S. Army Corps of Engineers
Baltimore District
ATTN: CENAB-PL-P
P.O. Box 1715
Baltimore, MD 21203-1715

Re: Kitzmiller Environmental Restoration, Garrett County

Dear Mr. Baumgardt:

In response to the Corps' 3 January 2002 request, the Maryland Historical Trust (MHT) has reviewed the above-referenced undertaking with respect to effects on historic properties.

MHT records indicate that the environmental restoration might impact two archeological sites. Our files record 18GA184 (Eagles Hall) and 18GA185 (Rafter Grist Mill) within your rectangular project area. Archeologists Lacoste and Wall reported these sites in the 1980s during a survey of western Maryland. Site 18GA184 consists of the remains of a late nineteenth century social hall, and 18GA185 represents a nineteenth century gristmill (see enclosures). There has been no formal evaluation of the eligibility of these two sites for the National Register of Historic Places.

Please inform MHT if your project alternatives include either of the two above-mentioned sites in their areas of potential effects. To facilitate this action, it would be helpful if you sent us, at the same time, large-scale plans of the proposed work. If either of the archeological sites were to be in the area of potential effects, then Phase II archeological investigations would be necessary to evaluate their significance.

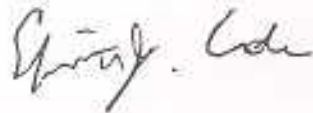


Mr. Ken Baumgardt
15 January 2002
Page 2

We have also reviewed the undertaking to assess potential impacts to historic standing structures and have found that the Environmental Restoration may have an impact. The town of Kitzmiller (Maryland Inventory of Historic Properties number G-IV-C-176) was surveyed during the Western Maryland Coal Region Historic Sites Survey conducted between 1980 and 1983. The project site falls within the boundary of the survey district. To date, the survey district has not been evaluated for National Register eligibility. Therefore the project proponent will need to sponsor a determination of eligibility report for Kitzmiller. A qualified professional must complete the report. The determination of eligibility report would include an amended Maryland Inventory (MIHP) form, since the original MIHP form is almost 20 years old, and a written discussion of the district's eligibility for the National Register, on a Trust Determination of Eligibility form, both available on our website: www.marylandhistoricaltrust.net. The documentation must be carried out in accordance with *Standards and Guidelines for Historical and Architectural Investigations in Maryland* (MHT, 2000).

If you have any questions, please contact Ms. Patricia Blick (architectural history, 410-514-7637) or Dr. Gary Shaffer (archeology, 410-514-7638).

Sincerely,



Elizabeth J. Cole
Administrator
Project Review and Compliance

EJC/PMB/GDS200200053

cc: Mr. Howard Buchanan

Enclosures

APPENDIX C

ENVIRONMENTAL COMPLIANCE

Compliance of the Proposed Action with Environmental Protection Statutes and Other Environmental Requirements

<u>Federal Statutes</u>	<u>Level of Compliance¹</u>
Clean Air Act	Full
Clean Water Act	Full
Coastal Barrier Resources Act	N/A
Coastal Zone Management Act	N/A
Comprehensive Environmental Response, Compensation and Liability Act	N/A
Endangered Species Act	Full
Estuary Protection Act	N/A
Farmland Protection Policy Act	N/A
Federal Water Project Recreation Act	N/A
Fish and Wildlife Coordination Act	Full
Land and Water Conservation Fund Act	N/A
Magnuson Fishery Conservation and Management Act	N/A
Marine Mammal Protection Act	N/A
National Historic Preservation Act	Full
Resource Conservation and Recovery Act	N/A
Rivers and Harbors Act	N/A
Water Resources Planning Act	Full
Watershed Protection and Flood Prevention Act	Full
Wild and Scenic Rivers Act	N/A
<u>Executive Orders, Memoranda, etc.</u>	
Protection and Enhancement of Cultural Environment (E.O. 11593)	Full
Floodplain Management (E.O. 11988)	Full
Protection of Wetlands (E.O. 11990)	Full
Prime and Unique Farmlands (CEQ Memorandum, 11 Aug. 80)	N/A
Environmental Justice in Minority and Low-Income Populations (E.O. 12898)	Full
Protection of Children from Environmental Health Risks & Safety Risks (E. O. 13045)	Full
Migratory Bird (E.O. 13186)	Full
Protection and Enhancement of Environmental Quality (E.O.11514)	Full
Invasive Species (E.O. 13112)	Full
Recreational Fisheries (E.O.12962)	Full

¹ Level of Compliance:

Full Compliance (Full): Having met all requirements of the statute, E.O. or other environmental requirements for the current stage of planning.

Partial Compliance (Partial): Not having met some of the requirements that normally are met in the current stage of planning.

Non-Compliance (NC): Violation of a requirement of the statute, E.O. or other environmental requirement.

Not Applicable (N/A): No requirements for the statute, E.O. or other environmental requirement for the current stage of planning.